

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PENNSYLVANIA  
(PHILADELPHIA)

DANIEL J. HARSHBARGER AND EDITH M.	)	
HARSHBARGER, Individually and on Behalf of	)	
all Persons Similarly Situated,	)	
	)	Civil Action No. 2:12-cv-06172-
Plaintiffs,	)	NIQA
	)	
v.	)	
	)	
THE PENN MUTUAL LIFE INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFFS' MOTION FOR APPROVAL OF DEFENDANT'S PAYMENT OF  
ATTORNEYS' FEES, REIMBURSED LITIGATION EXPENSES, AND CLASS  
REPRESENTATIVES' INCENTIVE AWARDS**

Dated: October 13, 2017

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*Attorneys for Plaintiffs and the Settlement Class*

Plaintiffs Daniel J. Harshbarger and Edith M. Harshbarger (“Plaintiffs”), by and through their undersigned counsel, hereby respectfully move pursuant to Rule 23(h), *Federal Rules of Civil Procedure*, for Court approval of Defendant The Penn Mutual Insurance Company’s payment of (a) \$10 million in attorneys’ fees to Class Counsel, (b) \$700,000 in reimbursed litigation expenses to Class Counsel, and (c) \$3,750 in incentive awards each to Plaintiffs in recognition of their service as the sole Class Representatives. *Halley v. Honeywell Intl., Inc.*, 16-2712, 2017 WL 2802638, at \*12 (3d Cir. June 29, 2017); *Sullivan v. DB Investments, Inc.*, 667 F.3d 273, 330 (3d Cir. 2011).

The Motion is supported by:

- The Declaration of Jason B. Adkins dated October 13, 2017;
- the Declaration of Andrew S. Friedman dated October 13, 2017;
- the Declaration of Mark A. Chavez dated October 6, 2017;
- the Declaration of Joseph N. Kravec, Jr. dated October 11, 2017;
- the Declaration of Daniel J. and Edith M. Harshbarger dated August 30, 2017;
- the previously filed “Declaration of Jason B. Adkins in Support of Plaintiffs’ Motion for Preliminary Approval, etc.” (ECF 50 (“Adkins PA Decl.”)).

Plaintiff’s Motion is furthermore supported by Plaintiffs’ concomitantly filed Memorandum of Points and Authorities.

### **REQUEST FOR ORAL ARGUMENT**

Plaintiffs request that, as previously scheduled in the Preliminary Approval Order, the Court entertain oral argument on this Motion on November 14, 2017, at 10 a.m., in Courtroom 8-B, James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106.

Dated: October 13, 2017.

Respectfully submitted,

/s/ Jason B. Adkins

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent by U.S. Mail to the non-registered participants listed below on October 13, 2017.

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Dated: October 13, 2017.

/s/ Jason B. Adkins